

REMARKS/ARGUMENTS

The above drawing correction conforms with the Examiner's correctional comments in parent application Serial No. 10/116,461, in the Office Action mailed March 4, 2003, and conforms with the drawing amendment in the parent. The Examiner's approval of the conforming separately attached drawing replacement sheet is respectfully requested. In Fig. 2, reference numeral "42" (right hand occurrence) has been changed to --44--, accordance with the Examiner's helpful correction, which is noted with appreciated.

The specification has been amended at page 1, to cite the noted parent application.

The specification has been amended at page 5, line 16, to provide the correct reference numeral, namely changing "42" to --44--.

Claims 1-33 stand canceled.

Added claim 34 is directed to the embodiment of Figs. 10 and 11. Claim 34 requires that the upper axial end of the filter element be closed by an end cap (19) spanning the noted hollow interior (22) of the filter element, and that the end cap (19) have a section of porous media (106, Fig. 10) over the hollow interior (22) and that the porous media (106) have a lower first side (108, Fig. 11) communicating with the hollow interior (22), and have an upper second side (110) communicating with the upper section (23) of the inlet chamber (24), the porous media blocking gas flow therethrough below the noted designated release pressure and passing gas flow therethrough above the noted designated release pressure.

In Smith et al. U.S. Patent Application Publication No. US-2002/0125178, attention is directed to porous media 42, Fig. 6, located in the top of the element. As noted in Smith et al. '178 at page 4, clause 0035, the fluid level rises within filter chamber 17 until it reaches the restrictive filter media 42 on the filter media 20. When the fluid level reaches the restrictive media 42, the pressure differential across the filter media 20' must rise to a preferred level in order for the air/vapor and fluid 19 to pass through the restrictive media 42. The fluid level stops at a point just below the restrictive media 42 level, and at that point, air/vapor and fluid 19 pass through the restrictive media 42, thus allowing the fluid

level to rise within the filter chamber 17 of the fluid filter assembly 10'. The user may then use the risen fluid level as an indicator that the filter media 20' needs to be replaced.

In contrast to the above noted teaching of Smith et al. '178, claim 34 requires that the upper end cap have a section of porous media over the hollow interior of the filter element. To modify Smith et al. to achieve the defined construction of claim 34 would be contrary to the operation of Smith et al. '178 because the fluid level in chamber 17 of Smith et al. '178 would rise all the way to the top of filter media 20' before the designated release pressure is reached, and hence there would be no indication to the user of the remaining increment of travel provided by restrictive media 42 which otherwise halts such upward movement of fluid level until the noted designated release pressure is reached. To attempt the requisite modification of Smith et al. '178 would thus be contrary to the operation taught therein. This is believed demonstrably probative of the non-obviousness of the presently claimed construction. Consideration and allowance of claim 34 is respectfully requested.

Claim 35 depends from claim 34 and is believed allowable for the reasons noted above. Furthermore, claim 35 requires that the designated release pressure corresponding to the desired terminal pressure be calibrated according to bubble point of the porous media. This is not taught in the prior art.

Claim 36 depends from claim 34 and is believed allowable for the reasons noted above. Furthermore, claim 36 requires that the housing have an upper end cap (40, Fig. 11) having a plurality of spokes (114, specification page 10, lines 19+) forming one or more radially extending gas passages (112) therebetween. Claim 36 requires that the spokes (114) engage the end cap (19) of the filter element (16) and apply axial pressure thereagainst holding the filter element (16) in place (specification, page 10, lines 20-21). Claim 36 further requires that the upper second side (110) of the porous media communicate through the one or more radially extending gas passages (112) with the upper section (23) of the inlet chamber (24). Consideration and allowance of the combination defined in claim 36 is respectfully requested.

Method claim 37 defines an interval change plugging indication method not suggested in the prior art.

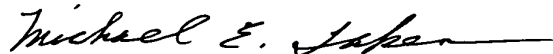
Atty. Docket No. 4191-00341

Preliminary Amendment dated November 3, 2003

Consideration and allowance of this application with claims 34-37 is earnestly solicited.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Michael E. Taken", followed by a horizontal line.

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